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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

USA CAPITAL REALTY ADVISORS,
LLC,¹

USA CAPITAL DIVERSIFIED TRUST
DEED FUND, LLC,

USA CAPITAL FIRST TRUST DEED
FUND, LLC,²

USA SECURITIES, LLC,³ Debtors.

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☒ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**NOTICE OF HEARING REGARDING
MOTION TO PERMIT OBJECTION TO
PROOFS OF CLAIM TO BE MAILED
TO MOST CURRENT ADDRESS
SUPPLIED BY CREDITOR OR
CREDITOR'S AUTHORIZED AGENT
(With Certificate of Service)**

Hearing Date: May 11, 2010
Hearing Time: 9:30 a.m.

NOTICE IS HEREBY GIVEN that a the USACM Trust filed a Motion to Permit
Objection to Proofs of Claim to Be Mailed to Most Current Address Supplied by Creditor

¹ This bankruptcy case was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 21, 2007.

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1 or Creditor's Authorized Agent on April 12, 2010 [DE 8029]. The Motion seeks the
2 following relief: The USACM Trust requests that this Court enter its order permitting the
3 USACM Trust to mail objection to proof of claim and the notice of hearing to the most
4 current address of the creditor or its authorized agent. Many of the creditors have moved
5 since the proof of claim was filed. Sending the objection to the updated addresses on file
6 also better serves the creditors' due process rights because that practice is best calculated
7 to inform them of the objection. Any opposition must be filed pursuant to Local Rule
8 9014(d)(1).

9 **NOTICE IS FURTHER GIVEN** that if you do not want the court to grant the
10 relief sought in the Motion, or if you want the court to consider your views on the Motion,
11 then you must file an opposition with the court, and serve a copy on the person making the
12 Motion ***no later than 14 days*** preceding the hearing date for the motion, unless an
13 exception applies (see Local Rule 9014(d)(3)). The opposition must state your position,
14 set forth all relevant facts and legal authority, and be supported by affidavits or
15 declarations that conform to Local Rule 9014(c).

16 If you object to the relief requested, you *must* file a **WRITTEN** response to this
17 pleading with the court. You *must* also serve your written response on the person who
18 sent you this notice.

19 If you do not file a written response with the court, or if you do not serve your written
20 response on the person who sent you this notice, then:

- 21 • The court may *refuse to allow you to speak* at the scheduled hearing; and
- 22 • The court may *rule against you* without formally calling the matter at the hearing.

23 **NOTICE IS FURTHER GIVEN** that the hearing on the said Motion will be held
24 before a United States Bankruptcy Judge, in the Foley Federal Building, 300 Las Vegas
25 Boulevard South, Third Floor, Bankruptcy Courtroom No. 1, Las Vegas, Nevada 89101 on
26 **May 11, 2010, at the hour of 9:30 a.m..**

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Dated: April 12, 2010.

LEWIS AND ROCA LLP

By /s/ John Hinderaker (#18024)
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PROOF OF SERVICE

Copy of the foregoing mailed by First
Class, U.S. Mail, postage prepaid, on
April 12, 2010 to the parties listed on the
Post Effective Date Service list on file
with the Court.

/s/ Jennifer Cook
Jennifer Cook
Lewis and Roca LLP